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U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA



DEPUTY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

VICTOR BRAVO,  
CDCR #V-21456,

Plaintiff,

vs.

J. BROWN; M. CATES; D. PARAMO;  
UNNAMED CDCR EMPLOYEES,

Defendants.

Civil No. 11-2374 BEN (WMC)

**ORDER DISMISSING CIVIL ACTION  
FOR FAILING TO PAY FILING FEES  
PURSUANT TO 28 U.S.C. § 1914(a) AND  
FOR FAILING TO MOVE *IN FORMA*  
*PAUPERIS* PURSUANT TO 28 U.S.C.  
§ 1915(a)**

Plaintiff Victor Bravo, currently incarcerated at the Richard J. Donovan Correctional Facility, in San Diego, California, and proceeding pro se, has filed a civil action pursuant to 42 U.S.C. § 1983.

**I. FAILURE TO PAY FILING FEE OR REQUEST IFP STATUS**

Any party instituting a civil action, suit or proceeding in a district court of the United States, other than a writ of habeas corpus, must pay a filing fee of \$350. *See* 28 U.S.C. § 1914(a). An action may proceed despite a party's failure to pay only if the party is granted leave to proceed *in forma pauperis* ("IFP") pursuant to 28 U.S.C. § 1915(a). *See Andrews v. Cervantes*, 493 F.3d 1047, 1051 (9th Cir. 2007); *Rodriguez v. Cook*, 169 F.3d 1176, 1177 (9th Cir. 1999). However, Plaintiff has not prepaid the \$350 filing fee required to commence a civil action; nor has he submitted a Motion to Proceed IFP. Therefore, the case must be dismissed pursuant to 28 U.S.C. § 1914(a).

1           **II. CONCLUSION AND ORDER**

2           For the reasons set forth above, the Court hereby:


3           (1)     **DISMISSES** this action sua sponte without prejudice for failing to pay the \$350 filing  
4 fee or file a Motion to Proceed IFP pursuant to 28 U.S.C. §§ 1914(a) and 1915(a); and

5           (2)     **GRANTS** Plaintiff **forty five (45)** days leave from the date this Order is filed to:  
6 (a) prepay the entire \$350 civil filing fee in full; *or* (b) complete and file a Motion to Proceed IFP which  
7 includes a certified copy of his trust account statement for the 6-month period preceding the filing of his  
8 Complaint. *See* 28 U.S.C. § 1915(a)(2); S.D. CAL. CIV. L.R. 3.2(b).

9           **IT IS FURTHER ORDERED** that the Clerk of the Court shall provide Plaintiff with the  
10 Court's form "Motion and Declaration in Support of Motion to Proceed *In Forma Pauperis*." If Plaintiff  
11 fails to either prepay the \$350 civil filing fee or complete and submit the enclosed Motion to Proceed  
12 IFP within that time, this action shall remain dismissed without prejudice and without further Order of  
13 the Court.

14  
15           **IT IS SO ORDERED.**

16           DATED: October 24, 2011

  
HON. ROGER T. BENITEZ  
United States District Court Judge